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November 12, 2021

VIA ECF

Hon. Ramon E. Reyes, Jr.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Debora Bayne, et al. v. NAPW, Inc., et al.*
18-CV-3591 (MKB)(RER)

Dear Judge Reyes:

This firm represents Named Plaintiff Bayne, Opt-in Plaintiffs, and Class (collectively “Plaintiffs”) in the above referenced wage and hour class action. In accordance with Your Honor’s August 10, 2021 Report and Recommendation, which was adopted on October 15, 2021, Plaintiffs met and conferred with Defendants and submit the attached agreed-upon proposed Notice of Class Action.

Plaintiffs further respectfully request that the Court issue a publication order directing Plaintiffs’ counsel to issue a copy of the proposed Notice of Class Action to all members of Class by first class mail within thirty days of receipt of the class list (the class list is due November 15, 2021).

Thank you for your time and attention to this matter.

Respectfully Submitted,

/s/Jack L. Newhouse, Esq.

cc: All counsel of record (via ECF)

NOTICE OF CLASS ACTION

Deborah Bayne, et al. v. NAPW, Inc., et al.

United States District Court for the Eastern District of New York

Docket No.: 18-cv-3591

If you sold memberships to the National Association of Professional Women or the International Association of Women since June 20, 2012 on behalf of NAPW, Inc. ("NAPW") this Notice is to advise you of this Class Action lawsuit, and to further advise you of certain rights you may have with respect to this action.

WHO IS IN THE CLASS?

The class includes all individuals employed in New York between June 20, 2012 to the present by NAPW, Inc. and Professional Diversity Network, Inc. ("Defendants") to sell memberships to the women's networking organizations known as the National Association of Professional Women and the International Association of Women. Corporate officers, shareholders, directors, and administrative employees, shall not be part of the class.

WHAT ARE CLASS MEMBERS SUING FOR?

It is alleged that Defendants failed (1) to pay sales representatives overtime compensation at 1.5x the regular hourly wage rate for all hours worked over 40 hours each week and (2) failed to furnish sales representatives with paystubs that reflected hours worked, wage rate, or overtime rate of pay as required by New York Labor Law.

Defendants deny the allegations and maintain that (1) employees were fully compensated as required by law and (2) employees received compliant paystubs. Defendants are represented by John T. Wilson III of Dinsmore & Shohl LLP.

This Notice is not an expression by the Court of any opinion as to the merits of any of the claims or defenses asserted by either side in this lawsuit.

You may be entitled to payment if you worked more than 40 hours in a week and were not paid 1.5x your regular rate of pay for all hours worked over 40. But even if you are in the class there is no guarantee that you are entitled to payment. You may also be entitled to payment if you received paystubs that failed to include information required by the New York Labor law.

WHO REPRESENTS THE CLASS MEMBERS?

The Court appointed Virginia & Ambinder, LLP to represent you as "Class Counsel." You do not have to pay Class Counsel, or anyone else, to participate. Instead, if Class Counsel recovers money for the Class, Class Counsel may ask the Court for attorneys' fees and costs, which would be paid by Defendants or out of any money

recovered. You may hire your own lawyer to represent you.

WHAT ARE YOUR OPTIONS?

If you fit within the Class definition, you are automatically a Class Member. You do not need to take any further action. If you remain in the Class, you will be legally bound by all orders and judgment of the Court, and you won't be able to sue, have the right to seek exclusion from the class at the time of settlement or judgment, or continue to sue, Defendants in any other lawsuit for alleged unpaid overtime compensation or statutory penalties for paystub deficiencies. If money or benefits are obtained, you will be notified about how to get your share.

Participation is optional. You may ask to be excluded from the Class. If you ask to be excluded from the Class, you cannot get any money or benefits from this lawsuit if any are awarded, but you will keep any rights to sue Defendants for these claims, now or in the future, and will not be bound by any orders or judgments of the Court. To ask to be excluded you must send a letter with your name, address, and telephone number stating your intention to exclude yourself from the *Bayne v. NAPW, Inc.* Class (Opt-Out) by **[60 Days From Mailing]** to Jack Newhouse, Esq. of Virginia & Ambinder, LLP, located at 40 Broad Street, 7th Floor, New York, NY 10004.

FOR MORE INFORMATION

If you have questions about this notice or other rights you may have in this lawsuit, you may contact Class Counsel:

Jack Newhouse, Esq. or Michele Moreno, Esq.

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***PLEASE DO NOT CONTACT THE COURT ABOUT
YOUR CLAIM.***